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10/700,256	11/03/2003	Drew Gant	60,210-190	3673
27305 7590 04/16/2007 HOWARD & HOWARD ATTORNEYS, P.C. THE PINEHURST OFFICE CENTER, SUITE #101 39400 WOODWARD AVENUE BLOOMFIELD HILLS, MI 48304-5151			EXAMINER YABUT, DIANE D	
			ART UNIT 3734	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		04/16/2007	PAPER	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.



### DETAILED ACTION

This action is in response to applicant's amendment received on 2 February 2007. The examiner acknowledges the amendments made to the claims.

#### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 28 is rejected under 35 U.S.C. 102(b) as being anticipated by **Trott** (U.S. Patent No. **5,729,904**).

Claim 28: Trott discloses a housing **12** having a body and a head **28** that extends forward from said body, said head having a face and a through bore, a driver **29** having a driven portion **20** disposed in said housing and configured to be attached to a drive unit and a locking portion disposed over said face of said head, said locking portion having a through opening aligned with said through bore, and at least one engaging member **32**, a pin **40** that extends through said bore and said through opening, said pin having a head portion disposed over said locking portion with said head portion having an opening (next to element **44**) aligned over and positioned to receive at least one engaging member, said pin being movably mounted to said housing so as to be able to move longitudinally in said through bore and said through opening, a cap **43** mounted to said pin so as to be spaced above said head portion of said pin to define a slot between

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said head portion and said cap for receiving a surgical saw blade, and a biasing member **26** acting between said head of said housing and said pin for urging said head portion of said pin and said cap towards said at least one engaging member (Figures 1 and 6, col. 5, lines 1-63).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Trott** (U.S. Patent No. **5,729,904**) in view of **Evans** (U.S. Patent No. **5,263,972**).

Claim 29: Trott discloses the claimed device, including said cap having a bottom face directed towards said pin (see Figure 1), except for at least one bore that opens inwardly from said bottom face, said at least one bore being aligned with said at least one engaging member and said opening in said head portion of said pin and dimensioned to receive said at least one engaging member, and said driver, said pin and said cap are collectively dimensioned so that when said biasing member urges said head portion of said pin and said cap towards said at least one engaging member, said at least one engaging member extends through said opening and said slot into said bore defined in said cap.

Evans teaches a surgical handpiece chuck and blade with at least one bore **74** that opens inwardly from said bottom face of a cap **50**, said at least one bore being aligned with said at least one engaging member and said opening in said head portion of said pin and dimensioned to receive said at least one engaging member, and said driver, said pin and said cap are collectively dimensioned so that when said biasing member urges said head portion of said pin and said cap towards said at least one engaging member, said at least one engaging member extends through said opening and said blade slot into said bore defined in said cap (Figure 6). It would have been obvious to one of ordinary skill in the art at the time of invention to provide a bore that opens inwardly from a bottom face of a cap, as taught by Evans, to Trott since it was known in the art that chucks often top projecting elements and spindles or rotating rods and pins in order to better engage the blade member and maintain a secure connecting mechanism.

### ***Response to Arguments***

5. Applicant's arguments filed 2 February 2007 have been fully considered but they are not persuasive.
6. Applicant argues that Trott does not disclose a cap mounted to a pin so as to be spaced above a head portion of the pin to define a slot between the head portion and the cap for receiving a surgical saw blade, as required by independent claim 28. The examiner disagrees. As maintained above, Trott does disclose a cap **43** mounted to a pin **40** so as to be spaced above a head portion of the pin to define a slot between the

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head portion and the cap for receiving a surgical saw blade **14** the at least one engaging member extends through both the head portion of the pin and the opening in the surgical saw blade (Figure 1).

7. Applicant also argues that there is no slot for initially receiving the blade **14** and securing the blade **14** longitudinally before placing the blade **14** in registration with the projecting pins **32**. It is noted that these features upon which applicant relies are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims.

### ***Conclusion***

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Diane Yabut whose telephone number is (571) 272-6831. The examiner can normally be reached on M-F: 9AM-4PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Hayes can be reached on (571) 272-4959. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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